

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
SUMMONS FOR JUDGMENT NO. 420 OF 2003  
IN  
SUMMARY SUIT NO.2208 OF 2002**

SBI Factors and Commercial Ser.Ltd .. Plaintiff

versus

Daman Rosin P.Ltd .. Defendant

...

Mr.Snehal Shah i/b M.P.Rege & Co for Plaintiff.

Mr. Prakash Shinde i/b Lalit Kumar Jain for Defendant

**CORAM : D.G. KARNIK, J**

**DATED : 1st February, 2005.**

**P.C:-**

1. Heard learned counsel for the plaintiff. Mr. Shinde appearing for the defendants reports no instructions. Learned counsel for the plaintiff states that the Summons for Judgment has been served on all the defendants on 27th May, 2003 and undertakes to file affidavit of service within two weeks. Learned counsel also undertakes to file the original

documents on record. Decree not to be drawn unless the affidavit of service on all the defendants and original documents are filed on record.

2. Despite service of the Summons for Judgment the defendants have not filed any affidavit in reply. In the circumstances, the plaintiff is entitled to a decree under clause (b) of sub-Rule 6 of Rule 3 of Order XXXVII of the Code of Civil Procedure.

3. Hence, Summons for Judgment is made absolute and suit of the plaintiff is decreed in terms of prayer clause 22 (a) and all costs of the suit. Decree not to be drawn until the affidavit of service of all the defendants and all original documents are filed in the Court.

**D.G.KARNIK, J**

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